

### REMARKS

Claims 5-9 and 14-34 have been canceled. Claims 1-4, 10-13, and 35-42 remain pending in the application. Applicant amends claims 1 and 10-13 for further clarification. No new matter has been added.

Claims 1-4, 10-13, and 35-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a number of websites apparently on “MILES 2000” by Cubic Defense Applications in view of U.S. Patent No. 5,474,452 to Campagnuolo. Applicant amends claims 1 and 10-13 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverse the rejection.

The Examiner contended that the claims were “rejected over the MILES 2000 system, and not the cited evidence.” Page 17, line 9 of the Office Action. Applicant respectfully submits that this is a plain misapplication of patent law, where prior art must be established by evidence. Applicant respectfully reiterates that the title “MILES 2000” itself is inadequate as a basis for rejection, and, indeed, a proper rejection must be based on “evidence” that clearly demonstrates what is known before the date of invention. What is known today as part of “MILES 2000” cannot be presumed back to a system conforming to what was known as “MILES 2000” when it first began and along its history of development. It is clear that “MILES 2000” is a system that is continually updated and upgraded with new features, and such updates and upgrades after the date of the claimed invention that, nevertheless, fall under “MILES 2000” is not prior art to the claimed invention. As such, it is critical that all “evidence” establishing a prior art rejection must be demonstrated to be, in fact, prior art. And it is clearly improper to replace a “less usable” document with one that does not predate the claimed invention because such a more “usable” document would fail to establish what was known prior to the claimed invention.

Thus, Applicant respectfully requests that the Examiner provide a copy of all of the documents relied upon in the rejection to demonstrate that the contents of the documents are prior art to the claimed invention, and that they provide adequate disclosure of features characterized in the claim rejection. For example, the Examiner cited a webpage as allegedly disclosing the claimed feature of a laser receiver judging a shot effect using extracted position information and stored geographical features information. The webpage URL [http://www.cubic.com/cda1/Prod\\_&\\_Serv/Cmbt\\_Trng\\_Sys/Grnd\\_Cmbt\\_Trng/MILES\\_2000/Components\\_AARS/After\\_Action\\_Rev.html](http://www.cubic.com/cda1/Prod_&_Serv/Cmbt_Trng_Sys/Grnd_Cmbt_Trng/MILES_2000/Components_AARS/After_Action_Rev.html) links to a page that does not provide any indication that the features described therein were known prior to the date of invention, and the URL itself “After Action Rev” implies a centralized After Action review. Applicant was unable to retrieve any corresponding page from <http://web.archive.org/web/20001005003339/www.cubic.com/cds/index.html> with the same disclosure. Page 18, line 6 of the Office Action. Again, Applicant respectfully requests that the Examiner provide proper documentation for the rejection.

In any event, the cited “MILES 2000” references only include description of a centralized review system. And a combination of these references with Campagnuolo would have, at most, suggested collecting information for centralized review. And such a combination would still have failed to suggest the claimed laser receiver that extracts position information from a received laser and judges shot effect using stored geographical features information, and that resolves and stores events using the *geographical features information stored in its memory* and extracted position information.

In other words, even assuming, arguendo, that the combination of Cubic Defense Applications and U.S. Patent No. 5,474,452 to Campagnuolo has been properly established, such a combination would still have failed to disclose or suggest,

“[a] laser transmitting/receiving system for target practice including a laser transmitter and a laser receiver, wherein

said laser transmitter has a modulator for modulating a transmitting laser signal by position information of said laser transmitter and

said laser receiver has an information extractor for extracting said position information from a received laser signal, a memory to store geographical features information and a judgment unit for judging a shot effect using the extracted position information and the *geographical features information corresponding to a position information extracted by said laser receiver*,

wherein said laser receiver resolves and stores events using *said geographical features information stored in said memory* and said position information extracted by said laser receiver,” as recited in claim 1. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 1, together with claims 2-4 and 35-39 dependent therefrom, is patentable over Cubic Defense Applications and Campagnuolo, separately and in combination, for at least the foregoing reasons. Claims 10-13 incorporate features that correspond to those of claim 1 cited above and are, therefore, together with claims 40-42 dependent from claim 10, patentable over the cited references for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Dexter T. Chang/

Dexter T. Chang

Reg. No. 44,071

CUSTOMER NUMBER 026304

Telephone: (212) 940-6384

Fax: (212) 940-8986 or 8987

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